

DISTRICT OF COLUMBIA

+ + + + +

ALCOHOLIC BEVERAGE CONTROL BOARD

+ + + + +

ROLL CALL HEARING

+ + + + +

IN THE MATTER OF:

YD Progress, LLC
t/a Lucky Corner Store
5433 Georgia Avenue, NW
Retailer B - ANC-4D
License No. ABRA-093115

(License Renewal)

April 6, 2015

The Alcoholic Beverage Control Board
met in the Alcoholic Beverage Control Hearing
Room, Reeves Building, 2000 14th Street, N.W.,
Suite 400S, Washington, D.C. 20009, Ms. LaVerne
Fletcher, Agent, presiding.

1 P-R-O-C-E-E-D-I-N-G-S

2 10:23 a.m.

3 AGENT FLETCHER: So would the parties
4 in the matter of Lucky Corner Store, please, come
5 forward?

6 This is the matter of YD Progress, LLC
7 t/a Lucky Corner Store. The License No. is ABRA-
8 093115. This is a license renewal for Class B,
9 Retailer Class B.

10 The protest issues are peace, order
11 and quiet. The ANC is filing a protest based on
12 peace, order and quiet?

13 MS. ROTH: Yes. Exactly right.

14 AGENT FLETCHER: Okay. Thank you.
15 And present on behalf of Lucky Corner Store?

16 MR. ENDALE: Yes.

17 AGENT FLETCHER: Your name, sir?

18 MR. ENDALE: Yosef Endale.

19 AGENT FLETCHER: Could you, please,
20 spell that for the record?

21 MR. ENDALE: Y-O-S-E-F E-N-D-A-L-E.

22 AGENT FLETCHER: Y-O-S-E-F?

1 MR. ENDALE: Yes, ma'am.

2 MS. ROTH: Yosef.

3 AGENT FLETCHER: And what's the last
4 name?

5 MR. ENDALE: Endale, E-N-D-A-L-E.

6 AGENT FLETCHER: I'm sorry, I'm
7 writing a little slow. E-N?

8 MR. ENDALE: D-A-L-E.

9 AGENT FLETCHER: And, Mr. Endale, did
10 you put your telephone number and email address
11 on that sheet?

12 MR. ENDALE: Yes.

13 AGENT FLETCHER: Thank you. And
14 present on behalf of ANC-4?

15 MS. ROTH: D.

16 AGENT FLETCHER: D.

17 MS. ROTH: Yes, 4D01.

18 AGENT FLETCHER: And your name?

19 MS. ROTH: Nancy R-O-T-H, Roth.

20 AGENT FLETCHER: Nancy Roth, okay.

21 And, Ms. Roth, did you put your contact
22 information on that sheet?

1 MS. ROTH: Yes, I did.

2 AGENT FLETCHER: Okay. ANC-4D does
3 have standing as a protestant. And just for the
4 record, I would like to state that this case by
5 oversight was not included on today's calendar.

6 However, because the parties are
7 present and the Roll Call Hearing was set for
8 today, April 6, and it was an oversight on behalf
9 of our Agency, I'm going to assume that the
10 protest was actually filed in a timely manner.

11 And, Ms. Roth, you mentioned that this
12 protest was actually filed when Lucky Corner
13 Store was initially placarded.

14 MS. ROTH: That's right.

15 AGENT FLETCHER: And that it was
16 replacarded. And your understanding is that the
17 ANC-4D protest was grandfathered in.

18 MS. ROTH: That was my understanding.

19 AGENT FLETCHER: Okay. I'll just
20 verify that and I will assume that is true. I'll
21 just verify that, but because you are both here,
22 I'm going to assume that that's what happened.

1 I'm granting conditional standing to the ANC
2 until I can verify that.

3 And, Ms. Roth, you also mentioned that
4 you have a copy of the protest letter in your
5 computer.

6 MS. ROTH: Yes.

7 AGENT FLETCHER: So if I can't find
8 it, I'll contact you and let you know and then
9 I'll get it from you.

10 And, Mr. Endale, you would receive a
11 copy of the protest, because you have a right to
12 at least know what the protest says.

13 Also based on our discussion before I
14 called the case, there is a settlement agreement
15 already. The parties haven't signed it yet, but
16 you expect to sign it. And so if you sign the
17 settlement agreement, you may submit it at any
18 time to the Board.

19 In the meantime, I will be
20 establishing this as a real case with a case
21 number. You will receive notices of the Roll
22 Call Hearing today, although it has passed.

1 MS. ROTH: Yes.

2 AGENT FLETCHER: I'm going to give you
3 some dates for hearings, as if this case was
4 scheduled as it should have been.

5 MS. ROTH: Okay.

6 AGENT FLETCHER: So I'm going to give
7 you the date now for the status hearing for this
8 case.

9 MS. ROTH: All right.

10 AGENT FLETCHER: If for some reason
11 this case is not settled, then these dates will
12 become dates that you need to attend. And you
13 will receive a notice, an email of these dates as
14 well.

15 The date for the status hearing is May
16 the 13th.

17 MS. ROTH: Okay.

18 AGENT FLETCHER: It's going to be May
19 13, 2015 at 9:30 a.m., that's the status hearing.

20 MS. ROTH: 9:15?

21 AGENT FLETCHER: May 13.

22 MS. ROTH: May 13th at 9:00?

1 AGENT FLETCHER: At 9:30.

2 MS. ROTH: 30.

3 AGENT FLETCHER: Yes.

4 MR. ENDALE: May 1-3, right?

5 AGENT FLETCHER: May 13.

6 MR. ENDALE: 1-3?

7 AGENT FLETCHER: Yes, 1-3. 1-3 at
8 9:30. The date for the Protest Hearing will be
9 sent to you in the mail. I don't set those
10 dates. So when you get your email from me, it
11 will have the date for a Protest Hearing, but
12 it's going to probably be some time in June.

13 MS. ROTH: Yes.

14 AGENT FLETCHER: But we can go ahead
15 and we need to set a date for mediation, although
16 you probably won't need it, because you already
17 have a settlement agreement, but we will set a
18 date just in case for some reason you don't sign
19 it.

20 MS. ROTH: Okay.

21 AGENT FLETCHER: So I'll just pencil
22 it in. So I'll just give you the next available

1 date, which is, the next available date for
2 mediation is Tuesday, April the 21st. It can be
3 at 9:00, 10:00 or 11:00. We can pencil in any
4 time you want. I know that you probably will
5 never make it to mediation, but so what's a good
6 time if you come though? 9:00, 10:00 or 11:00?

7 MR. ENDALE: 11:00.

8 MS. ROTH: 9:00.

9 MR. ENDALE: 11:00.

10 AGENT FLETCHER: 11:00.

11 MS. ROTH: You will have to respond.

12 MR. ENDALE: April 24 you say?

13 AGENT FLETCHER: The 21st, 2-1, yes, at
14 11:00.

15 MS. ROTH: This is May 21st?

16 AGENT FLETCHER: April. Did I say
17 May?

18 MS. ROTH: Did I say it?

19 AGENT FLETCHER: I meant to say April.

20 MR. ENDALE: April.

21 AGENT FLETCHER: If I said May, I
22 meant to say April.

1 So I have mediation set for April 21
2 at 11:00. April 21 at 11:00. And if you need to
3 come, do.

4 But also before we went on the record,
5 you mentioned that you could get together while
6 you are here to sign that. If you want to do
7 that, we will go off the record and I'll step
8 over there as the Board's mediator and we can do
9 that while you are here.

10 MS. ROTH: Great.

11 AGENT FLETCHER: Okay. Then ANC-4D is
12 granted standing as a protestant.

13 I'm concluding the Roll Call Hearing
14 to speak with the parties regarding signing a
15 settlement agreement today.

16 The Roll Call Hearing is concluded.
17 So I'm going to come over there.

18 MS. ROTH: Okay.

19 (Whereupon, the Roll Call Hearing in
20 the above-entitled matter was concluded at 10:31
21 a.m.)
22

A a.m 2:2 6:19 9:21 above-entitled 9:20 ABRA 2:7 ABRA-093115 1:10 address 3:10 Agency 4:9 Agent 1:17 2:3,14,17,19 2:22 3:3,6,9,13,16,18 3:20 4:2,15,19 5:7 6:2 6:6,10,18,21 7:1,3,5,7 7:14,21 8:10,13,16,19 8:21 9:11 agreement 5:14,17 7:17 9:15 ahead 7:14 Alcoholic 1:3,15,15 ANC 2:11 5:1 ANC-4 3:14 ANC-4D 1:10 4:2,17 9:11 April 1:13 4:8 8:2,12,16 8:19,20,22 9:1,2 assume 4:9,20,22 attend 6:12 available 7:22 8:1 Avenue 1:9	D 3:15,16 D-A-L-E 3:8 D.C 1:16 date 6:7,15 7:8,11,15 7:18 8:1,1 dates 6:3,11,12,13 7:10 discussion 5:13 DISTRICT 1:1 E E-N 3:7 E-N-D-A-L-E 2:21 3:5 email 3:10 6:13 7:10 Endale 2:16,18,18,21 3:1,5,5,8,9,12 5:10 7:4,6 8:7,9,12,20 establishing 5:20 Exactly 2:13 expect 5:16	June 7:12 K know 5:8,12 8:4 L LaVerne 1:16 letter 5:4 license 1:10,11 2:7,8 little 3:7 LLC 1:8 2:6 Lucky 1:9 2:4,7,15 4:12 M ma'am 3:1 mail 7:9 manner 4:10 matter 1:7 2:4,6 9:20 meant 8:19,22 mediation 7:15 8:2,5 9:1 mediator 9:8 mentioned 4:11 5:3 9:5 met 1:15	protestant 4:3 9:12 put 3:10,21 Q quiet 2:11,12 R R-O-T-H 3:19 real 5:20 reason 6:10 7:18 receive 5:10,21 6:13 record 2:20 4:4 9:4,7 Reeves 1:16 regarding 9:14 renewal 1:11 2:8 replacarded 4:16 respond 8:11 Retailer 1:10 2:9 right 2:13 4:14 5:11 6:9 7:4 Roll 1:5 4:7 5:21 9:13 9:16,19 Room 1:16 Roth 2:13 3:2,15,17,19 3:19,20,21 4:1,11,14 4:18 5:3,6 6:1,5,9,17 6:20,22 7:2,13,20 8:8 8:11,15,18 9:10,18
B B 1:10 2:8,9 based 2:11 5:13 behalf 2:15 3:14 4:8 Beverage 1:3,15,15 Board 1:3,15 5:18 Board's 9:8 Building 1:16	F filed 4:10,12 filing 2:11 find 5:7 Fletcher 1:17 2:3,14,17 2:19,22 3:3,6,9,13,16 3:18,20 4:2,15,19 5:7 6:2,6,10,18,21 7:1,3,5 7:7,14,21 8:10,13,16 8:19,21 9:11 forward 2:5	N N.W 1:16 name 2:17 3:4,18 Nancy 3:19,20 need 6:12 7:15,16 9:2 never 8:5 notice 6:13 notices 5:21 number 3:10 5:21 NW 1:9	S says 5:12 scheduled 6:4 sent 7:9 set 4:7 7:9,15,17 9:1 settled 6:11 settlement 5:14,17 7:17 9:15 sheet 3:11,22 sign 5:16,16 7:18 9:6 signed 5:15 signing 9:14 sir 2:17 slow 3:7 sorry 3:6 speak 9:14 spell 2:20 standing 4:3 5:1 9:12 state 4:4 status 6:7,15,19 step 9:7 Store 1:9 2:4,7,15 4:13 Street 1:16 submit 5:17 Suite 1:16
C calendar 4:5 Call 1:5 4:7 5:22 9:13 9:16,19 called 5:14 case 4:4 5:14,20,20 6:3 6:8,11 7:18 Class 2:8,9 COLUMBIA 1:1 come 2:4 8:6 9:3,17 computer 5:5 concluded 9:16,20 concluding 9:13 conditional 5:1 contact 3:21 5:8 Control 1:3,15,15 copy 5:4,11 Corner 1:9 2:4,7,15 4:12	G Georgia 1:9 give 6:2,6 7:22 go 7:14 9:7 going 4:9,22 6:2,6,18 7:12 9:17 good 8:5 grandfathered 4:17 granted 9:12 granting 5:1 Great 9:10	O okay 2:14 3:20 4:2,19 6:5,17 7:20 9:11,18 order 2:10,12 oversight 4:5,8	T t/a 1:9 2:7 telephone 3:10
D	H happened 4:22 hearing 1:5,15 4:7 5:22 6:7,15,19 7:8,11 9:13 9:16,19 hearings 6:3	P P-R-O-C-E-E-D-I-N-G-S 2:1 parties 2:3 4:6 5:15 9:14 passed 5:22 peace 2:10,12 pencil 7:21 8:3 placarded 4:13 please 2:4,19 present 2:15 3:14 4:7 presiding 1:17 probably 7:12,16 8:4 Progress 1:8 2:6 protest 2:10,11 4:10,12 4:17 5:4,11,12 7:8,11	
	I included 4:5 information 3:22 initially 4:13 issues 2:10		
	J		

Thank 2:14 3:13
time 5:18 7:12 8:4,6
timely 4:10
today 4:8 5:22 9:15
today's 4:5
true 4:20
Tuesday 8:2

U

understanding 4:16,18

V

verify 4:20,21 5:2

W

want 8:4 9:6
Washington 1:16
went 9:4
writing 3:7

X

Y

Y-O-S-E-F 2:21,22
YD 1:8 2:6
Yosef 2:18 3:2

Z

0

093115 2:8

1

1-3 7:4,6,7,7
10:00 8:3,6
10:23 2:2
10:31 9:20
11:00 8:3,6,7,9,10,14
 9:2,2
13 6:19,21 7:5
13th 6:16,22
14th 1:16

2

2-1 8:13
2000 1:16
20009 1:16
2015 1:13 6:19
21 9:1,2
21st 8:2,13,15
24 8:12

3

30 7:2

4

400S 1:16
4D01 3:17

5

5433 1:9

6

6 1:13 4:8

7

8

9

9:00 6:22 8:3,6,8

9:15 6:20

9:30 6:19 7:1,8